UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/138,262	07/26/2011	Gregory Charles Herlein	PU090009	1094

24498 7590 11/30/2016	EXAMINER
Robert D. Shedd, Patent Operations THOMSON Licensing LLC 4 Research Way 3rd Floor Princeton, NJ 08543	TRAN, TRANG U

ART UNIT	PAPER NUMBER
2422	

NOTIFICATION DATE	DELIVERY MODE
11/30/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@technicolor.com
pat.verlangieri@technicolor.com
russell.smith@technicolor.com

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

Ex parte GREGORY CHARLES HERLEIN[1]

_____

Appeal 2016-002266
Application 13/138,262
Technology Center 2400

_____

Before MICHAEL J. STRAUSS, DANIEL N. FISHMAN, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

DEJMEK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of

claims 1, 4–8, and 10–15. Claims 2, 3, 9, and 16 have been canceled.

Br. 15–17. We have jurisdiction over the remaining pending claims under

35 U.S.C. § 6(b).

We reverse.

_____

STATEMENT OF THE CASE

Introduction

Appellant's claimed invention is directed to "improving the tuning times of receivers such as set-top boxes." Spec. 1. According to the Specification, a received Session Description Protocol (SDP) is parsed to obtain audio and video codec parameters. Spec. ¶ 97. "In various embodiments of the present invention, the additional codec information enables the immediate initialization of the decoder chips, which reduces the tuning time in receivers." Spec. ¶ 97.

Claim 1 is representative of the claimed subject matter on appeal and is reproduced below with the disputed limitation emphasized in *italics*:

> 1.　A method, comprising the steps of:
>
> *providing, with content, at least one of audio and video codec parameter information for said content*, which enables the immediate initialization of a decoder to begin decoding said content without having to parse said content to determine at least one of audio and video codec parameter information.

The Examiner's Rejections

1.　Claims 1, 4–6, 8, 10–12, 14, and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hannuksela et al. (US 7,826,536 B2; Nov. 2, 2010) ("Hannuksela"). Final Act. 3–5.

2.　Claims 7 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hannuksela. Final Act. 5–6.

Issue on Appeal[2]

Did the Examiner err in finding Hannuksela discloses, *inter alia*, "providing, with content, at least one of audio and video codec parameter information for said content," as recited in claim 1?

ANALYSIS[3]

Hannuksela is directed to a "system enabling minimization of tune-in delay." Hannuksela, Abstract. Hannuksela describes tune-in delay as the time between the start of reception of a broadcast signal and the start of media rendering. Hannuksela, col. 1, ll. 64–65. According to Hannuksela, an issue contributing to tune-in delay is that existing content encoders and IP (Internet protocol) encapsulators "lack a real-time feedback link that allows the IP encapsulator to govern the exact location of instantaneous decoding refresh (IDR) pictures in an encoded bit stream." Hannuksela, col. 1, ll. 60–63. Hannuksela discloses that tune-in delay is reduced if an IDR picture is the first picture in a decoding order in each MPE-FEC (multi-protocol encapsulated forward error correction) frame. Hannuksela, col. 2, ll. 9–13.

---

[2] We only address this issue, which is dispositive. We do not address additional issues raised by Appellant's arguments.

[3] Throughout this Decision, we have considered the Appeal Brief, filed April 15, 2015 ("Br."); the Examiner's Answer, mailed on July 7, 2014 ("Ans."); and the Final Office Action ("Final Act."), mailed on September 26, 2013, from which this Appeal is taken.

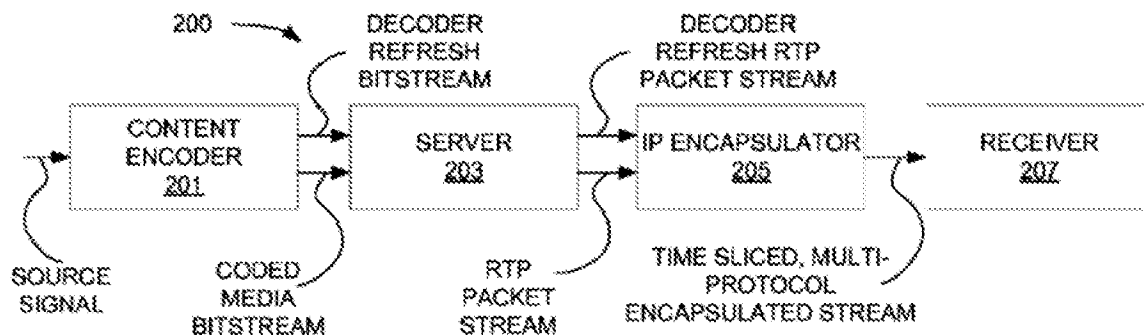Figure 2 of Hannuksela is illustrative and is reproduced below:

FIGURE 2

Figure 2 of Hannuksela is a block diagram of Hannuksela's IP data casting system. Hannuksela, col. 2, ll. 59–61. Hannuksela discloses a source video signal is encoded into two bit streams—a decoder refresh bitstream and a coded media bitstream—by content encoder (201). Hannuksela, col. 6, ll. 24–35. The decoder refresh bitstream contains, *inter alia*, IDR pictures. Hannuksela, col. 6, ll. 26–27. As shown, server (203) encapsulates both the decoder refresh bitstream and the coded media bitstream into RTP (Real-time Transport Protocol) packet streams. Hannuksela, col. 7, ll. 5–11. To allow for the correspondence between samples in the RTP packet stream (i.e., coded media content) and the decoder refresh RTP packet stream, the server (203) may initialize an RTP timestamp (part of the RTP payload format) to an equal offset for both of the streams. Hannuksela, col. 7, ll. 14–16. Additionally, Hannuksela discloses RTCP (RTP Control Protocol) sender reports are periodically transmitted which contain information on the relation of RTP timestamps. Hannuksela, col. 7, ll. 19–21.

The Examiner finds the RTCP sender reports and RTP timestamp anticipate the claimed audio and video codec parameter information. Final

4

Act. 2–3. In support of this finding, the Examiner points to Hannuksela's
disclosure that

> If an equal offset is not used [(i.e., a timestamp for the decoder
> refresh RTP packet stream and the coded media bit RTP packet
> stream)], then the IP encapsulator must map the packets to the
> same timeline according to the RTCP sender reports rather than
> directly using the RTP timestamp to find the relation individual
> frames of the RTP packet stream and decoder refresh packet
> stream.

Ans. 7 (quoting Hannuksela, col. 7, ll. 17–26) (emphasis omitted). Further,
the Examiner explains the decoder refresh stream *may* also contain sequence
and Group of Picture (GOP) headers. Ans. 6–7 (citing Hannuksela, col. 3,
ll. 26–29). However, alternately, the Examiner notes:

> When both the decoder refresh bit stream and coded media bit
> stream are transferred to server 203, they *may be* encapsulated to
> the same file . . . and a new flag, sync_sample_track, in the track
> header box *may be* specified for the decoder refresh stream
> indicating that it contains only decoder refresh points, referred to
> as sync samples in the ISO base media file format terminology.

Ans. 7 (quoting Hannuksela, col. 7, ll. 40–52) (emphases altered). From this
passage of Hannuksela, the Examiner finds the sync_sample_track in the
track header box anticipates the claimed "providing, with content, at least
one of audio and video codec parameter information." Ans. 7.

Appellant concedes that Hannuksela may provide an alternate solution
to providing a reduced tuning time. Br. 11. However, Appellant contends
Hannuksela's approach does not provide at least one of audio and video
codec parameter information with content to realize a reduced tuning time.
Br. 11. Instead, Appellant asserts Hannuksela relies on creating a time-
sliced multi-protocol encapsulation stream wherein an IDR (instantaneous

decoding refresh) picture is the first picture in a decoding order in each MPE-FEC frame. Br. 11.

We find Appellant's argument persuasive of Examiner error. We find the Examiner has not sufficiently explained or provided sufficient, persuasive technical reasoning to support the finding that the relied upon portions of Hannuksela anticipate "providing, with content, at least one of audio and video codec parameter information for said content," as recited in claim 1.

For the reasons discussed *supra*, and on the record before us, we do not sustain the Examiner's rejection of independent claim 1. For similar reasons, we do not sustain the Examiner's rejection of independent claims 8 and 15, which recite similar limitations. Additionally, we do not sustain the Examiner's rejections of claims 4–7 and 10–14, which depend therefrom.

DECISION

We reverse the Examiner's decision to reject claims 1, 4–8, and 10–15.

REVERSED